

April 15, 2002

**In the Matter of the
Grocery, Food Manufacturer and
Meat Market Licenses for
1517-1519 Franklin Avenue East
6th Ward**

**Findings of Fact,
Conclusions and
Recommendation**

This matter came before a Technical Advisory Committee hearing on Tuesday, March 2, 2002. Appearing for the licensee were Corporation President Omar Gurse and his attorney, Arthur Benson. Appearing for the Department were Deputy Director Clara Schmit-Gonzalez, License Inspector Julie Casey, Environmental Health Supervisor Tim Jenkins, and Environmental Health Inspector Laura Huseby. Based on the evidence presented at the hearing, the department makes the following findings of fact:

FINDINGS OF FACT

1. On April 4, 2000, Franklin Market applied for a grocery license and food manufacturer's license. On June 22, 2000, Franklin Market applied for a meat market license.
2. Environmental Health issued orders to Franklin Market to comply with health code violations prior to approval of the meat market license. After an inspection in December of 2000, critical orders were abated, and many non-critical orders were outstanding. Due to significant long outstanding orders, the Environmental Health division conducted an administrative hearing with Manager, Isse Ahmed attending, concerning unaddressed health orders. This hearing took place in November 2001. The licensee, Omar Gurse agreed to specific dates to complete health orders in signing the administrative hearing agreement. One of the specific agreements reached with the licensee was to construct a room to guarantee safe food storage in the basement or cease storing food in the basement. The licensee decided to build a food storage room. The licensee started to build the storage room without a permit and to date, this room has not been approved for food storage by Environmental Health.
3. Subsequent joint inspections by Licensing and Environmental Health revealed additional health code violations; prior health orders went unabated. The establishment consistently ignores the due dates issued by the Environmental Health Division

during inspections and the orders issued during the Administrative Hearing. The establishment continued to ignore Environmental Health orders until closure on March 11, 2002. At this time, numerous outstanding orders were abated.

4. During 2001, License Inspector Julie Casey wrote several orders concerning trash and debris and failing to shovel snow within 4 hrs of a snow. The licensee failed to regularly remove trash and debris.
5. The licensee completed a minor site plan in the fall of 2001. In the spring of 2002 the work required in the site plan have yet to be completed.
6. On March 8, 2002, Inspector Julie Casey and Laura Huseby inspected the Franklin Market for compliance with health and license ordinances. On this date, the surveillance cameras were not functioning. Inspector Casey issued orders to repair the cameras. A subsequent inspection showed this order was abated.
7. Due to the large number of violations of the code of ordinances, a technical advisory committee hearing was called for Tuesday, April 2 at 2:30 p.m. At the hearing, Plumbing Inspections, Environmental Health and Licenses presented information regarding past and current violations. The licensee had made progress in the last several weeks to abate some requirements of the Minnesota Food and Beverage Codes. Discussions continued, concentrating on assisting the licensee in complying with City ordinances. Licensee, Omar Gurase was encouraged to have all his employees attend training in food handling. Dates are set to teach those classes. The hearing adjourned with continuing efforts by the licensee, Environmental Health and Licenses to encourage the licensee to operate according to City ordinances and Minnesota Food and Beverage Code.

CONCLUSIONS

1. Franklin Market, Incorporated failed to meet the Minnesota Food and Beverage Code and Minneapolis Ordinances on several occasions.

2. Franklin Market, Incorporated failed to regularly remove trash and debris from the business property and public right of ways in violation of MPLS ORD 259.125.
3. Franklin Market, Incorporated failed to obtain the necessary permits and required inspections prior to constructing a food storage area and failed to get approval from Environmental Health for the storing of food in the basement storage room prior to actually using it for food storage.
4. Franklin Market, Incorporated failed to complete site plan improvements in violations of Chapter 530.
5. Franklin Market, Incorporated failed to have an operating surveillance camera in their grocery store in violations of 259.230.

RECOMMENDATIONS

Evidence presented at the hearing, indicates licensee is beginning to work toward complying with City ordinances. After the March 11, 2002 closure:

The basement was cleaned;
Sidewalks were shoveled after the last snow event;
Hot-holding and refrigeration temperatures are being recorded on log sheets provided by Environmental Health for the deli area;
Handwashing log sheets provided by Environmental Health are maintained in the deli;
Task lists were provided by Environmental Health to:
Maintain the premises free of pests,
Set-up a cleaning schedule
Maintain equipment clean and in good working order

Based on the evidence presented at the hearing, the department makes the following recommendations.

1. Omar Gurase, as president of Franklin Market, Inc, agrees to comply with all Plumbing orders by May 2, 2002. Mr. Gurases' contractor will contact the plumbing inspector prior to abating the orders and make appointments as necessary.

2. Omar Gurase, as president of Franklin Market, Incorporated must file a new site plan review by May 10, 2002. All improvements must be completed by June 30, 2002.
3. Omar Gurase must replace his surveillance camera with an approved camera within sixty days. The camera must be set up with a clear image of all persons at both checkout areas.
4. The business property and public areas within 100 feet shall be maintained free of trash and debris. Regular clean up, defined as a minimum of twice per day review, must be completed consistently to resolve the property trash accumulation issues.
5. Sidewalks must be shoveled within four hours of a snow event.
6. Building inspections must inspect the food storage area and the structure of the basement. Any violations order written by Building inspections shall be delivered to the owner of the property and must be complied with by the date specified in the order. *(Complied with inspection on April 5, 2002).*
7. A contract must be maintained at all times with a professional pest control company. A copy of the contract must be presented upon request of inspectors.
8. Mr. Omar Gurase must attend the Food Manager certification class on May 8, 2002. Failure to attend this class may result in closure of the business.
9. The Environmental Health Division on April 15, 2002 will present a two-hour food handler's class. Mr. Gurase indicated four of his employees would attend. Further, the employee in charge of the deli operation will attend a food handler's class presented by the Environmental Health Division on preparing foods and temperatures requirements held on April 10, 2002.
10. Franklin Market, Incorporated will continue to maintain temperature and hand washing logs. These logs shall be made available to the Environmental Health division.
11. Omar Gurase, or another certified food manager, agrees to be on the business premises between 8 a.m. and 3 p.m. each day for one year.
12. Franklin Market, Incorporated agrees to pay an administrative fine in the amount of \$1500.00. \$750.00 of that fine will be

stayed for a period of one year provided that at any given environmental health inspection no more than three (3) critical violations are cited. The administrative fine may be paid as follows; \$100 installments payments starting May 8, 2002 and due on the 8th each month. Payment shall be submitted to the Minneapolis License Department.

13. Franklin Market, Incorporated agrees, for a period of one year, to pay an administrative fine of \$100.00 for any critical violations cited by the Environmental Health division.
14. If more than six (6) critical violations should occur in less than one year, the City will take action to revoke all food licenses for Franklin Market, Incorporated.

I have read the above report and recommendations. I agree with the report, and I agree with the above recommendations. I understand that failure on my part of the part of my business to adhere to this agreement with the Department may lead to further action against my license. I understand that this report must be accepted by the Minneapolis City Council and signed by the Mayor. I understand that future violations may put my license in jeopardy.

Licensee of Franklin Market, Incorporated	Date
--	-------------

Witness	Date
----------------	-------------

Witness	Date
----------------	-------------